Rev (1939) Department.

SERIES

G.O. No. 222

Dated 30.8.1939

Hiluvanur - Sasthi - Coorti Kanara
Coondapur taluk - Patala Durga
Parameshwari Devi at Kulanji
Village Resumption of the institution
and payment of arrears - Orders passed

To

The Secretary to

The Government of Madras,

Revenue Department, Fort St.George,

M a d r a s.

Humble petition of B. Subba Rao, son of B. Mahabaleshwaraya, residing in Basrur Village, Coondapoor Taluk, South Kanara Dt.

Most Respectfully sheweth as follows:-

The petitioner is the trustee of Religious Institution No.429 "PATALA DURGA PARAMESHWARI" temple of Kulanji Village, Coondapoor Taluk drawing a tasdik allowance of Rs.24-0-0 per annum from Government under the Beriz reduction system. In the matter of payment of arrears of allowance due to the institution held in deposit by Government, the petitioner submitted a petition to the Government of Madras on 4-2-1938. The Government was however pleased to order in its endorsement No.1942B/38-1 dated 5-3-1938, that the petitioner should address his request to first to the Collector of South Kanara and also to the Board of Revenue before approaching the Government and that copies of the petitions addressed to those authorities and of the orders passed thereon by them should be annexed to the petition addressed to Government.

2. The petitioner submits that he accordingly submitted to the Collector petition dated 31-3-1938. The Collector however -

rejected the petition in his order L.Dis. No.208 dated 16-5-1938 remarking that there were no good grounds to move the Board again in the matter. The petitioner then submitted a petition dated 27-8-1938 to the Board of Revenue Land Revenue but the Board also rejected the petition in its proceedings L.Dis.4287/38 dated 31-10-1938 saying that no new facts had been adduced for a reconsideration of the orde already passed. Copies of the petitions sent to the Collect and the Board of Revenue and the orders passed thereon by th authorities are herein enclosed. It is now the petitioner's turn to place his case before the Government as ordered in Government's endorsement 1042B/38-1 dated 5-3-1938.

3. The facts of the case have been stated at full length in the petitioner's first petition to Government and all the ments in his favour have been stated in the petitions addre to the Collector and the Board of Revenue. He does not thi think it necessary to narrate them again in this petition. Government may be kind enough to take into consideration all facts and arguments stated in the above petitions.

4. The Collector remarks that the grounds adduced by the p tioner are not good. In what way they are not good, the order does not say. The Board in its turn says that no new facts have been adduced for a reconsideration of the orders already passed.

What new facts there can be the petitioner fails to understand. The petitioner's point is that the grounds already urged are as good as can be and no new facts can and need be adduced. His contention is that both the Collector and the Board of Revenue have not properly considered the facts already adduced.

5. The main point for consideration in this case is that B.S.O. 67 para 7(ii) lays down that after an institution which had been struck off the registers for failure to claim tasdik for more than six years is readmitted all the arrear allowances due to the institution should be repaid if the institution is a religious institution provided that the services in the institution have been regularly performed and the building of the institution has been in good order during the period for which the allowance is in arrears. All questions as to whether there was any default in applying for repayment of tasdik should be decided before readmitting the institution. After readmission the only points to be looked into are (1) Whether the allowance is allowed for a religious institution or is a personal allowance. (2) If for a religious institution whether services have been regularly performed and (3) whether the building of the institution has been in repairs. After the institution

has been readmitted by a competent authority the Collector or the Board of Revenue or any other authority is estopped from raising the question whether there has been any neglect in obtaining a sanad or applying for repayment of the allowance in time. In the case now in question the Institution is admittedly a Religious Institution and the records of enquiry held by the Revenue Authorities have conclusively proved that the services have been regularly performed and the building has been in repairs during the period for which the allowances are in arrears and are now claimed. The Collecto and the Board of Revenue have either failed to note this rule or if they have noted it they act against it which, the petitioner submits is opposed to all principles of equity.

6. Another point for consideration is whether the Government is legitimately entitled to the arrears now in deposit. The fundamental principles of the Government is that all amounts to which the Government is not legitimately entitled should be refunded. This tasdik allowance was allowed to the Institution in lieu of lands belonging to the Institution resumed by Government. The allowance was at first paid by assignment of land revenue of a certain warg under a title deed issued by the Inam Commissioner but subsequently ordered to be paid under Beriz deduction system from the Revenue Collections of the village as consented by the then trustee. The trustee consented only to the

change in the mode of payment. This consent does not tantamount to a surrender of the Institution's right to arrears to which it is entitled under the Limitation Act.

7. The petitioner's legal advisors are definitely of opinion that the Institution's claim is valid for the allowance due for at least the past 12 years from the date of cla and the petitioner begs to submit that he is bound as a trustee to resort to civil litigation in the interest of th institution if his grievances do not meet with redress at the hands of the Government.

8. In conclusion, the petitioner most humbly prays that the benign Government may be graciously pleased to order the payment of all the arrears held in deposit or small portion of it as is not barred by limitation. For which act of justice, the petitioner will ever remain grateful,

Basrur, dated 11-1-1939.

Petitioner.

C O P Y.

Bears the seal of the
Office of the Government
of MADRAS.

REVENUE DEPARTMENT.

Endorsement No. 1043 B'38-1, dated 5th March 1938.

From B.Mahabaleshwaraya, petition, date 4-2-1938.

Allowances . Tasdik (South Kanara)
Coondapoor Taluk - Kulanji Village,
No.429 Patala Durga Parameshwari Dev
Easti .Payment of arrears from
Faslis 1330 to 1344

The petitioner should address his present request first to the Collector of South Kanara and also to the Board of Revenue before approaching the Government. Copies of the petitions addressed to those authorities and of the orders passed thereon by them should be annexed to the petition addressed to the Government.

sd/ P.K.Gnanasundaram Mudaliar,
Assistt.Secretary to Govern-
- ment.

To
B.Mahabaleshwaraya,
Basrur Village,
Coondapoor Taluk,
South Kanara District (with enclosures returned)

Forwarded:

/By order/
sd/ B.Ramanatha Ayyar,
7-3-1938
Superintendent.

/True copy of endorsement/

Superintendent Petitioner.

To
The Collector of South Kanara,

9

Humble petition of B.Subraya, son of B. - Mahabaleshwaraya, residing in Basroor Villag Coondapoor Taluk,

dated 31st March 1938

Most Respectfully sheweth as follows:-

The petitioner is the trustee of Religious Institution No.429 - Patala Durga Parameshwari Temple of Kulanji Village of Coondapoor Taluk having been appointed as such by the Hindu Religious Endowments Board i its order No.2905 dated 9-11-1936 . The institution is entitled to a tasdik allowance of Rs.24/- from the Government payable from the revenu collections of Belcor Village since transferred to Kulanji Village. The tasdik allowance due from Fasli 1330 having been held in deposit in the Coondapoor Sub Treasury, the petitioner applied to the Tahsildar of Coondapoor Taluq requesting payment of all arrears of tasdik held in deposit. On this application the petitioner has received L.Dis.6586/37 dated 22-12-1937 from the Tahsildar that in pursuance of the orders passed of the Board of Revenue, the Collector has sanctioned payment of the tasdik due from fasli 1345. On receipt of this order the petitioner submitted a petition to the Government of Madras praying that the Government might be pleased to order payment of all arrears to the petitioner. A true copy of the said petition is herewith submitted . In para 3 of this petition, the petitioner has stated that as the final orders in the matter of this tasdik allowance were passed by the Board of Revenue, the petitioner was obliged to seek redress from the Government. Nevertheless the Government has in its order of endorsement No.-1043-B/38-1 dated 5.3.1938 ordered that the petitioner should address his present request to the Collector and also to the Board of Revenue before approaching the Government and that copies of the petitions addressed to those authorities and of the orders passed thereon by them should be annexed to the petition addressed to the Government. The ord from the Government referred to above is also enclosed. In these circumstances the petitioner has been obliged to again approach Your Honour.

2. All the reasons in support of the petitioner's claim for the arrears of the tasdik allowance from Fasli 1330 have been clearly set forth by the petitioner in the petition addressed to the Government of which a copy is enclosed as stated above. The petitioner has, therefore felt it unnecessary to narrate them at length in this petition. The petitioner trusts that a kind perusal of the said copy of this petition will fully convince the Collector that the petitioner's claims for all the arrears from Fasli 1330 is valid

3. For the above reasons the petitioner most respectfully prays that the Collector may be graciously pleased to sanction payment of all arrears after obtaining orders from the Board of Revenue, if necessary

4. For which act of kindness and justice, the petitioner will ever remain grateful,

Petitioner

D.Dis. 2089/38

Proceedings of the Collector of South Kanara, dated the 16th May 1938.

M.R.Ry. Rao Bahadur M.V.Vellodi, Avl., B.L.,

ALLOWANCES tasdik- Coondapoor Taluk - Patala Durga Parameshwari Dev - Payment of arrears - Petition - Orders passed.

Ref: Petition dated 31-3-1938 from B.Subraya s/o B.Mahabaleshwaraya, Basrur Village, Coondapoor Taluk.

2. Coondapoor Taluk Tahsildar's L.Dis.2178-38 dated 5.5.1938

There are no good grounds to move the Board again in the matter. The petition is rejected.

/By order/

sd/ U.Kumaraya,
Huzur Sheristedar.

To
The Petitioner,
Copy to the Tahsildar, Coondapoor.

/Copy/

The Commissioner of Land Revenue,

Board of Revenue,

M a d r a s.

Humble petition of B. Subraya, son of B. Mahabaleshwaraya, residing in Basrur Village, Coondapoor Taluk, South Kanara District.

dated 27 th August 1938.

pectfully sheweth as follows:-

The petitioner begs to submit the following for the kind consideration of the Board of Revenue and favourable orders.

The petitioner submits that he is the trustee of the religious institution No.429 " PATALA DURGA - - PARAMESHWARI" of Kulanji Village of Coondapoor Taluq. He was appointed by the Hindu Religious Endowment Board in its order No.2905 dated 9-11-1936. The institution is entitled to a tasdik allowance of Rs.24/- per annum from Government paid by deduction from the Revenue Collections of Belve Village since transferred to Kulanji Village of Coondapoor Taluk. This allowance due from Fasli 1330 - having been held in deposit in Coondapoor Sub Treasury, - the petitioner applied for the Tahsildar of Coondapoor Taluq requesting payment of all arrears to him. On this peti-

tion the petitioner received from the Tahsildar order L.Dis. 6686/37 dated 22.12.1937 stating that in pursuan of the orders of the Board of Revenue, the Collector ha sanctioned payment of tasdik due from Fasli 1345. On receipt of this order the petitioner submitted a petiti to the Government of Madras praying that the Government might be pleased to order payment of all the arrears to the petitioner. The petitioner had stated in the said petition that as the Tahsildar's order showed that the Collector's order was passed in pursuance of Board's orders the petitioner had no other course than to approach the Government. Nevertheless, the Government had, in its order No. 1043-B/38-1 dated 5-3-1938 ordered that the petitioner should address his present request to the Collector and also to the Board of Revenue before approaching Government and that copies of the petitions addressed to those authorities and of the orders passed thereon by them should be annexed to the petition addressed to the Government. Accordingly, the petitioner submitted a petition to the Collector of South Kanara enclosing the order of the Government praying that all arrears of tasdik might be paid to him after obtaining the Board's order in the matter, if necessary. That Officer has however been pleased to reject the petition saying that there are no grounds to move the Board again in the matter. The petitioner has thus to approach the Board of Revenue for redress of his grievance. The Collector's order is one

3. The petitioner submits that the chief handicap for petitioner in the Revenue Department is that the orders on their petitions do not give, unlike decisions in Civil Courts the exact reasons for holding that their claims are unsustainable. Nor are the petitioners are entitled to get copies of the reports of the subordinate officers on which the orders of the superior officers are based. The

The petitioners are thus precluded from refuting, if possible, any of the statements made by the subordinate officers. In this case, the petitioner had submitted to the Collector a copy of his petition to the Government which contains all his grounds to hold that his claim to the arrears of tasdik is valid. The Collector has held that these grounds are not good grounds. In what way they are not good the order does not show, nor does the petitioner know what the Taheildar has reported in his L.Dis. 2178/1938 dated 5.5.1938 on which the Collector has presumably relied. The Collector did not post the petition for enquiry. If he had done so and if he had informed the petitioner the exact weak points in his claim, the petitioner would have tried to satisfy the Collector that his claim was is good.

4. B. S. O. 67(7) lays down that when struck-off allowances are readmitted all the arrears should be paid if the allowances are those allowed for the maintenance of Religious Institutions provided that the services have been performed and the institution maintained satisfactorily during the time for which the allowances are in arrears. The records of enquiry in this case have proved beyond doubt that the building of the institution has been maintained in a satisfactory condition and the services performed all along by the petitioner and his father. What legal objection there is for the payment, the petitioner is at a loss to know. Now that the institution has been readmitted, there can be no question whether there was any neglect on the part of the trustee to apply for and obtain a Sanad in time. The only question that remains to be decided is about the building of the institution and the services therein. These points having been proved, the arrears should be paid.

5. It has to be remembered that tasdik allowances an assignments made in lieu of lands belonging to the Insti tution resumed by the Government. If the Inam Title-deed originally ~~bekngged~~ issued in favour of the Institution had still subsisted in force, the allowance for the past 12 years could have been ~~recorded~~ recovered through Cour from the wargdar in whose patta the allowance had been assigned. Payment by boris deduction system was consented to as this was more convenient and recovery of tasdik that might fall in arrears owing to any unforese causes was as sure as anything. The petitioner is now grieved to see that the payment of the arrears which ar rightly the property of the institution and on which th Government has no legitimate claim is refused on some ~~grounds~~ minor technical grounds. The petitioner submit that in equity he is entitled to all arrears from 1330 Fasli and at all events to the arrears for the twelve years prior to 1345. The building of the institution requires some urgent repairs and the petitioner has un taken to carry them out. The payment of the arrears w be a great boon to him at the hands of the Government.

For all the above reasons, the petitioner begs most respectfully to request that the benign Board of Revenue may be graciously pleased to order the payment of the arrears.

For which act of kindness and justice, the petitioner will ever remain grateful.

PETITIONER.

PROCEEDINGS / MEMORANDUM OF THE Board of Revenue, Madras.

Post Box No. _____ *Telegraphic Address* _____

Name F.W. Stewart Esq., M.C., C.I.E., I.C.S., Commr. of Land Revenue.

L.Dis. *No.* I.4237/38, *dated* 31-10-38 193 .

Allowances- Nasdik-(South Kanara)- Coondapur Taluk- Petala Durga Parameshwari Dev at Kulaiyi village- Payment of arrears- Petition from the trustee- rejected-

--

Petition from Sri B. Subraya dated 27-8-38.

ii.

Board's refce. I. No.4237/38-1 dated 24-9-38.

iii.

Letter from the Collector of South Kanara, ce. C.A.5-6552-38 dated 7-10-38.

--

The petition is rejected, as no new ts have been adduced for a reconsideration of the ers already passed.

(sd) K.P. Krishnan Nayar,
Asst. Secretary.

Lakshmibaleswaraya,
pur Village, Coondapur Taluk, South Kanara Dt.
Para 1 only.
r of South Kanara
ith records returned)

Forwarded

(By Order)

2/Jan/38

Superintendent.

Rev Dept

Allowances - Taldik - (South Kanara) - Coondapur Taluk - Patala Durga Parameshwari deo at Kulasinji village - Payment of arrears.

† Appt-sec. Petition from the trustee d 11.1.39.

Endt No 278 B/39-1 d 24.1.39

Referred to the Bd. of Rev. for remarks

23.1.39

24/1/39.

The Bd. of Rev with copy of petition at Appt-sec.

sealed with encl
dy 27/1

C.F. 31—14,000—7-7-37.

Revenue DEPARTMENT.

CURRENT No. 1226 B

19 Registered 7.3.39. 19

ASSISTANT SECRETARY TO GOVT. 9-MAR1939

Subject.

Allowances - Tasdik -(South Kanara)- Coondapur Taluk - Patala Durga Parameshwari Dev at Kulanji village - Payment of arrears - Petition from the Trustee - Report submitted.

Ref.I No.576/39-1

Station Madras, *Dated the* 6th March 19 39.

From

M.A.Gopalaswami Esquire, I.C.S.,

Joint Secretary,

Board of Revenue.

F.W.Stewart Esquire, M.C., C.I.E., I.C.S.,

Commissioner of Land Revenue.

*****

Read the following:

Endorsement from Government, Revenue Department, No.278-B 39-1 dated 24--1--39.

Reference:

The Board submits the following report with reference to the endorsement from Government read above:

2. A beriz deduction of Rs.24/- is payable annually for the institution of Patala Durga Parameshwari Dev at Kulanji village in Coondapur Taluk. The allowance was struck off the registers in Collector's D.Dis.No.5379/29 dated 21-6-29 under B.S.O.No.67-1(7) for failure of the trustee to claim the allowance for more than six years. The petitioner applied to Hindu Religious Endowments Board

Board, Madras, for a sanad in September 1935, and was appointed as trustee of the temple in 1936. He then applied to the Collector for the readmission of the tasdik allowance and payment of arrears left undrawn. In B.P.Mis.No.3298 dated 20-10-37, the Board sanctioned the readmission of the allowance in favour of the institution from fasli 1345, the year in which the petitioner applied for the sanad, as recommended by the Collector.

3. The petitioner subsequently applied for the payment of all the arrears from fasli 1330 from which year the allowance had remained undrawn. The Collector in his D.Dis.No.2089/38 dated 16-5-38 disallowed the petitioner's claim and rejected the petition as the records showed that the failure to claim the arrears arose out of neglect and not from any disability and also informed the petitioner that there were no good -- grounds to move the Board again in the matter.

The petitioner thereupon put in a petition to the Board in August last for the payment of arrears of the allowance from fasli 1330 or for the 12 years prior to fasli 1345. The Collector reported on the petition that the allowance was struck off the registers with reference to the provisions of B.S.O.No. 67-1(7) as the whereabouts of the then Moktessor were not known and because the failure to claim the allowance in time arose out of neglect and not from any disability. The Board rejected the petition in its Proceedings B.Dis.No.1.4287/38 dated -- 31-10-38 as no new facts had been adduced by the petitioner for interference with the Collector's orders.

4. In view of the facts mentioned above, the Board submits that the petition deserves no consideration.

for Joint Secretary. 8.3.39

To The Secretary to Government, Revenue Department.

S.G/7-3-39.

73

Revenue Department.

MEMO NO. 2781/39-2 DATED 2.6.39

Allowances - Tasdik - ~~for~~ (S. Kanara) - Coondapur taluk - Patala Durga Parameshwari Dev at Kulanji village - Payment of arrears - Petition from the trustee - Report - Board's Ref. I No. 576/39-1, dated 6-3-1939.

Under the orders in G.O. No. 2450, Revenue, dated 14-8-1913, the Board of Revenue has power to sanction the readmission of lapsed allowances irrespective of the period for which allowances had been undrawn, provided that the failure to claim the amount arose from disability and not from neglect. ~~Readmission~~ In the case of allowances so ~~would mean revival of the allowance from the date (or year) of the Board's order.~~ re-admitted, the Board of Revenue has power to sanction the payment of arrear claims if the institution was in good order or the service was

roperly rendered during the period

or which the allowances were left

ndrawn. ~~Steps will be taken to~~

~~mend para 67(1)(7) in order to make~~ B50

~~be position clear.~~

2. In the present case, the

oard of Revenue holds that the failure

o claim the allowance in time arose

ut of neglect and not from any dis-

bility. The Board of Revenue had,

herefore, no power to readmit the

laim but should have taken the orders

f the Government. The Board is

equested to examine the case afresh

nd report to the Government

(1) whether the allowance may be

e-admitted and

(2) whether a payment of arrear

laim may be sanctioned and if so, with

2877B/39

C.F. 31—14,000—7-7-37.

Revenue DEPARTMENT. 27.6.39

CURRENT No.

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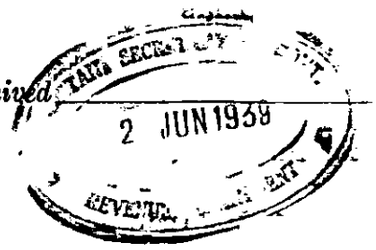

Received 19 Registered 19

Allowances - Tasdik - (South Kanara) - Coondapur Taluk Patala Durga Parameshwari Dev at Kulanji village - Payment of arrears - Petition from the trustee - Report.

Reference. No. I. 576/39.

Station Madras Dated the 24th

From

R.A. Gopalaswami Esq., I.C.S.,
Joint Secretary,
Board of Revenue.

F. W. Stewart Esq., C.I.E., M.C., I.C.S.,
Commissioner of Land Revenue

Read the following.-

Mp 23-24 ante

Memorandum from Government, Revenue Department, No. 278-B-39-2 dated 2nd June 1939.

Reference.-

-do-

Mp 23-24 infra

With reference to the Memorandum from Government read above the Board recommends that the allowance may be readmitted as according to the Collector's report the -- institution has been in good state of repair and services have been regularly performed all along. The payment of arrear claim may be sanctioned with effect from 1935 (Fasli 1345) as recommended by the Collector. After the allowance

was

was struck off the register in 1929, the trustee did nothing until 1935 when he applied to the Hindu Religious Endowment Board for a 'sanad'.

2. The Collector is requested to keep the orders issued in B.P.Mis.No. 3298 dated 20-10-37 readmitting the allowance in favour of the institution in abeyance pending further directions.

for Joint Secretary. 26.6.37.

To the Secretary to the Government,
Revenue Department.
with a copy of the Collector's report
Ref.No. 5176-B.1.37 dated 13-10-37.

To the Collector of South Kanara - para 2 only.

I.K.G/26.6.

26/6

Copy of letter from M.R.Ry., Rao Bahadur M.V. Vellodi Avl., B.A., Collector of South Kanara, Ref.No. 5176-B1-37 dat 13th October 1937.-

Allowances - Tasdik - Coondapoor Taluk - Institution No. 429 Talanji Patala Durga Devi - Re-admission - Recommended.

The Hindu Religious Institution of Talanji Patala Durga Devi situated in Kulanji, Coondapoor taluk was being paid an annual tasdik of Rs. 24/- from the revenue collections of Belve village as a beriz deduction. As the allowance was n claimed for over six years, it was struck off the register o 21--6--1929.

2. The trustee of the institution who became manager in 1926 now applied for the re-admission of the allowance. He applied to the Hindu Religious Endowments Board, Madras, for a sanad in September 1935 and got it in November 1936. Enquiry shows that the institution has been in repair and maintenance all along and that services are being duly performed. I recommend that the allowance be re-admitted with effect from fasli 1345, the year in which the trustee applied for the sanad.

C.F. 31—14,000—7-7-37.

Revenue - **DEPARTMENT.**

CURRENT No.

Received 19 . *Registered* 19 .

Subject.

Allowances - Tasdik - (South Kanara) - Coondapur Taluk - Patala Durga Parameshwari Dev at Kulanji village - Payment of arrears Petition from the Trustee -

Reference--No.I-576/39.3,

Station Madras, *Dated the* 24th July 1939.

From R.A.Gopalswami, Esquire, I.C.S.,

Joint Secretary,

Board of Revenue.

F.W.Stewart, Esquire, C.I.E., M.C., I.C.S., Commissioner of Land Revenue.

-:-

Read the following papers:-

I Memorandum from Government, Revenue Department, No.278 B/39-2 dated the 2nd June 1939.

II Board's Reference No.I.576/39.2, dated the 24th June 1939.

III Letter from Sri Diwan Bahadur M.V.Vellodi, B.A., Collector of South Kanara, D.Dis.No.4444/39 dated the 12th July 1939.

:::

REFERENCE.

In reply to paragraph 2 of the Memorandum from Government read above, the Board submits that the Collector of South Kanara has reported that the allowances due to the institution for faslis 1345 to 1348 have already been disbursed and that the Tahsildar of Coondapur is being instructed to withhol future payments pending further directions.

for Joint Secretary.

To the Secretary to Government, Revenue Department.

C.R.R./25-7-1939.

- - - -

31

The Secretary to

The Government of Madras,

Fort St. George, M a d r a s.

Humble petition of B. Subba Rao son of B. - Mahabaleshwarayya, residing in Basrur Village, Coondapoor Taluk, South Kanara District.

Most Respectfully sheweth as follows:-

The petitioner is the trustee of Religious Institution No.429 "Patala-Durga Parameshwari temple" of Kulanji Village, Coondapoor Taluk. In the matter of payment of arrears of tasdik allowance due to the said institution held in deposit by Government, the petitioner submitted a petition to your office on 11-1-1939 through post. The petition was registered at Coondapoor Post Office--- its number being 091 PBH-39. Till now, I have not received any order.

Xam CMo G.27816/38 Odbbth 89 allwg on 11.8.38

Being anxious to put tiles to the roof of the said institution and with a view to rebuild the building, the petitioner has bought a number of stone pillars by spending a large sum of money from his own pocket. Necessary wooden work also has been made ready to some extent. The petitioner is in great distress at present. During these hard days the petitioner finds it difficult to continue the said work any further.

In conclusion, the petitioner most humbly prays that the benign Government may be graciously pleased to orde the payment of all the arrears held in deposit.

For which act of kindness and justice, the petition will ever remain grateful,-

Your most obedient servan

Petitic

Basrur, dated 26-7-1939.

ಸಂಖ್ಯೆ: ಸಿಆಸ್ಇ 34 ಕೆಎಂಎಸ್ 2023

ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರ ಸಂಘ (ರಿ.)

ಸಂಘದ ಕೇಂದ್ರ ಕಚೇರಿ: ಸಂಘದ ಭವನ, ಕೆ.ಆರ್. ಸರ್ಕಲ್, ಬೆಂಗಳೂರು - 560 001

ದೂರವಾಣಿ: 080-22345678 | ಇಮೇಲ್: kgpsta@gmail.com

ದಿನಾಂಕ: 23-1-2023

ಸೇವೆಯಲ್ಲಿರುವ ಮತ್ತು ನಿವೃತ್ತ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರಿಗೆ ಸಂಘದ ಸದಸ್ಯತ್ವ ಅಭಿಯಾನ

ಸಂಘದ ಸದಸ್ಯತ್ವ ಅಭಿಯಾನದ ಅಂಗವಾಗಿ ಸೇವೆಯಲ್ಲಿರುವ ಮತ್ತು ನಿವೃತ್ತ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಶಿಕ್ಷಕರಿಗೆ ಸಂಘದ ಸದಸ್ಯತ್ವ ಅಭಿಯಾನವನ್ನು ಹಮ್ಮಿಕೊಳ್ಳಲಾಗಿದೆ. ಸಂಘದ ಸದಸ್ಯತ್ವ ಪಡೆಯಲು ಬಯಸುವ ಶಿಕ್ಷಕರು ಈ ಕೆಳಗಿನ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸಬೇಕಾಗಿ ವಿನಂತಿ.

1. ಸದಸ್ಯತ್ವ ಶುಲ್ಕ ₹ 500/- ಮಾತ್ರ. ಒಮ್ಮೆ ಪಾವತಿಸಿದ ಶುಲ್ಕ ಹಿಂತಿರುಗಿಸಲಾಗುವುದಿಲ್ಲ.

2. ಅರ್ಜಿಯೊಂದಿಗೆ ಸೇವಾ ದೃಢೀಕರಣ ಪತ್ರ ಮತ್ತು ಗುರುತಿನ ಚೀಟಿಯ ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಬೇಕು.

3. ಸದಸ್ಯತ್ವ ಅರ್ಜಿಯನ್ನು ತಾಲ್ಲೂಕು ಘಟಕದ ಕಾರ್ಯದರ್ಶಿಯವರಿಗೆ ಸಲ್ಲಿಸಬೇಕು.

4. ಸದಸ್ಯತ್ವ ಅರ್ಜಿಯನ್ನು ಸಂಘದ ಕೇಂದ್ರ ಕಚೇರಿಯು ಪರಿಶೀಲಿಸಿ ಅನುಮೋದಿಸಿದ ನಂತರವೇ ಸದಸ್ಯತ್ವ ಸಂಖ್ಯೆ ನೀಡಲಾಗುವುದು.

5. ಸದಸ್ಯತ್ವ ಅರ್ಜಿಯನ್ನು ಸಂಘದ ಕೇಂದ್ರ ಕಚೇರಿಯು ಪರಿಶೀಲಿಸಿ ಅನುಮೋದಿಸಿದ ನಂತರವೇ ಸದಸ್ಯತ್ವ ಸಂಖ್ಯೆ ನೀಡಲಾಗುವುದು.

ಸದಸ್ಯತ್ವ ಅಭಿಯಾನದ ಅವಧಿಯಲ್ಲಿ ಸಂಘದ ಸದಸ್ಯತ್ವ ಪಡೆಯುವ ಶಿಕ್ಷಕರಿಗೆ ಸಂಘದ ಗುರುತಿನ ಚೀಟಿ ಮತ್ತು ಸದಸ್ಯತ್ವ ಪುಸ್ತಕವನ್ನು ಉಚಿತವಾಗಿ ನೀಡಲಾಗುವುದು. ಸದಸ್ಯತ್ವ ಪಡೆಯುವ ಶಿಕ್ಷಕರಿಗೆ ಸಂಘದ ಗುರುತಿನ ಚೀಟಿ ಮತ್ತು ಸದಸ್ಯತ್ವ ಪುಸ್ತಕವನ್ನು ಉಚಿತವಾಗಿ ನೀಡಲಾಗುವುದು.

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Rev Dept

Allowances - Tasdik - (S. Kanara) - Coondapur Taluk - Patala Durga Parameshwari Devi at Kulaiji village - Payment of arrears - Petition from the trustee d 11.1.39

at pp 1-5 of WS 278B/39

To A.S.

Please see the petition at pp 1-5 of from Sri B. Subba Rao, trustee of Patala Durga Parameshwari temple of Kulaiji village, Coondapur taluk, S. Kanara district

2. In Feb '38, the petitioner made a representation to the Govt claiming arrears of tasdik allowance at the rate of Rs 24/- per annum due to the temple remaining unclaimed for more than 6 years. Under para 7 of B.S.O. 64, the allowance was struck off the registers. The petitioner stated that he was appointed as trustee by the Hindu Religious Endowments Board in 1936, and that on the Collector's recommendation, the Bd. in 1937 readmitted the institution and sanctioned payment of tasdik allowance from fasli 1345.

at p 1 of (T)

at pp 1-6 of (T)

Typed Copy filed with Ms 11(a)

As the services in the temple continued to be performed and as the building of the institution had been kept in good repair, the claimed payment of arrears due to the temple from fasli 1330, with refee to para 7 (ii) of B-S.O. 67.

vide para 6 at p 4y (T)
× at p 444 y Bs
" " Kn 130 1(a)

3. As it did not appear that he applied to the Collector and the Bd. of Revenue in respect of his claim, he was asked to address them first and then come up to the Govt. He has done so but the Collector† and the Bd.‡ have both rejected his petitions as there were no grounds for a reconsideration. He has now submitted an appeal to the Govt. The Bd's reply at p17 CF does not however throw any light in regard to the circumstances under which ~~this claim~~ the institution has been readmitted and payment of allowance from fasli 1345 only has been sanctioned. A report from ~~the remarks of~~ the Bd. of Rev may be called for. A draft ~~memo~~ End† is submitted for approval.

vide Encl. -- of

† p11 CF
‡ p17 CF

1-38
24/1/38

24/1/38

p19CF Issued as Endt No 278 B/38-1 d 24-1-38
Mp21-22CF from the Bd of Rev Ref I No 576/38-1 d6-
To A.S.

Please see the endt to the Bd. of Revenue at p 19 CF. and the Bd's reply at Mp21-22CF. The Bd has reported that the annual allowa of Rs 24/- payable to the institut of Patala Durga Parameshwari at Kulanji village in Coondapur taluk, was struck off the regist in the under B.S.O. 67-1(7) for the follow reasons:—

1 p44 of 1938 B/II
Rch Has

M at p22CF (i) The whereabouts of the then Hereditary were not known;

p21CF (ii) The trustee failed to claim the allowance for more than 6 years;

M at p22CF and (iii) The failure to claim the allow in time arose out of neglect and from disability.

2. The petitioner applied to the Insp't of H. R. E. Board, Madras, for a sana

Mp21-22CF. and was appointed as trustee of the temple in 1936. The Bd. of Rev sanct the readmission of the allowance favour of the institution from the 1345, the year in which the petitione applied for the sanad as recomme

by the Collector. The petitioner subse- × pp 9-10 CF
quently applied to the Collector and † pp 13-16 CF
se Board for payment of all arears
om fasli 1330 from which year
e allowance had remained
ndrawn. The Collector and the Bd.
allowed the petitioner's claim | pp 11 & 17 CF
d rejected his petition as the
ecords showed that the failure
o claim the arrears arose out of
neglect and not from any dis-
bility. The petitioner has now
ppealed against the orders passed
y the Board and requests that
ll the arrears held in deposit or a
raction thereof may be ordered see A at p5c
be paid to him.

3. Under B.S.O. 67-A (7) (b), claims to lapsed ϕ ar pwwy
allowances granted for the support gr188 Vd F
f any institution should be re- Mh Kas
dmitted only if the failure to
pply for payment, when they
were due, arose not from neglect
ut from disability. The Collector
nd the Bd are therefore justified in
isallowing the petitioner's claim
or the arrears. The Bd. has
ecommended that the petition

5 39

Vide para 4 of the Rly's report pr2ct

deserves no consideration. In the circumstances, the petition may be rejected. Subject to orders, a draft endt. is submitted for approval. E&P. H. Dept may see before issue.

10-3-39

15/3/39

The arrears claimed are for the periods 1330 to 1344 Fs for fifteen years. The amount involved is Rs 24 x 15 or Rs 360/.

2. If it is considered that the arrears should be allowed, finance sanction should be consulted -

13.3.39

S

at present there is no Rly Bd member

The petn. makes a good debating point. The B.S.O. by -1(7)(i) says that claims of lapsed pensions shall be readmitted only if the failure to apply arose from disability or other reasons. The Bd. has readmitted the claim. Therefore the Bd. must have considered that the failure to apply for payment when it was due arose from disability & not neglect. The Bd therefore cannot refuse payment of arrears on the ground that failure to apply was due to neglect. How do you assess that?

. de para 4 of the Rly's report pract

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10.3.39

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10/3/39

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13.3.39

S

at page 4 ante

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The allowance of Rs.24 payable annually to the institution was struck off the registers in 1929 under B.S.O.67-1(7) for failure of the then trustee to claim it for more than 6 years. The present petitioner applied to the H.R.E. Board for a sanad in September 1935 and got it in 1936. He then applied to the Collector for the readmission of the allowance and payment of arrears left undrawn. On the Collector's recommendation, the Bd. under para 1-(7) of B.S.O.67 sanctioned the readmission of the allowance only with effect from fasli 1345, the year in which he applied for the sanad. Payment of the arrears of the allowance due from fasli 1345 was also sanctioned by the Collector in pursuance of the orders of the Board of Revenue. B.S.O.67 1(7)(i) lays down that claims to lapsed allowances may be re-admitted by the Board, only if the failure to apply for payment when they were due, arose not from neglect but from disabilities. The whereabouts of the then mokhtessor of the institution were unknown and the Board has refused to sanction the payment of arrears for the entire period from fasli 1330 to 1344 apparently on the ground that failure to claim the arrears during this period arose out of neglect and not from disabilities. On the Collr.'s recommendation, the Bd. sanctioned the readmission of the allowance only with effect from fasli 1345, the year in which the petitioner actually applied for the sanad, although he got it only in 1936. Payment of the arrears of allowance due from fasli 1345 has been sanctioned presumably as the failure on the part of the petitioner to apply for payment in fasli 1345 arose not from neglect but from disability and as the institution was in good order and service properly rendered during the period

in 1929 as the allowance had remained
undrawn since fasli 1330 (1st July 1920).
The Board refer. holds that the
failure to claim the allowance in
time arose out of neglect and
not from any disability. If so, the
Bd. refer had no power to re-admit
the claim but should have taken
the orders of the Govt. The Bd
however chose to re-admit the claim,
we may sanction the payment
of arrears from 7.1330 instead
of from 7.1345 when the
petitioner applied to the Board.
Board for a remand.

2. EP&T Finance may see

19/1
27.3.31

S

1 Let us look into the rules on which this part of the B.S.O. is based. The general position as we find down seems to be that.

2 A pension or allowance not drawn for 6 years lapses. If the failure to draw was due to disability & not neglect the Bd. may allow the pension to be drawn again. If however the failure to draw was due to neglect, presumably Govt. orders are required. It cannot be the intention that for the temporary neglect of a particular manager or agent an institution is to be deprived for all time of its allowance. Once however an ~~claim is allowed~~ allowance is secured as above, the question of arrear payments arises. The payment of these is to be governed, not by the criterion of neglect or disability but by the criterion laid down in condition (2) of the B.S.O viz proper maintenance of the institution in service.

3 The wording of condition (1) is not very clear. What does "claim to lapsed pensions shall be readmitted" mean? Does it mean (1) that the pension may be revived with effect from the time of claim as revised in (2) that the claim may be viewed & the moneys which have lapsed in the past may be paid subject to condition (2)

Dlhs28) 2.

To A.S. With refce to para 1 of Secy's ltr at p9 ante, (to fo. No 2450 Rev dtd 14-8-1913 ante) attention is invited to paras 2 to 4 of the notes to Govt No 2450 Rev dtd 14-8-1913 (F) in which the Govt. delegated to the Bd. of Rev. the power to readmit claims to lapsed pensions or allowances and to sanction the payment of arrears subject to certain conditions. Please see also paras 2 & 4 of the notes to the fo. / As regards the readmission of an allowance, the principle generally followed by the Govt is to readmit the allowance, if the institution was in good repair and services were properly rendered therein. As regards payment of arrears, Sir Gabriel Stokes, the Hon'ble Rev. Member was of opinion that the arrears should be paid when the claim not being made was due not to neglect but owing to some disability. Mr. A. G. Cardew had also remarked "There seems to be no fixed principle followed in determining whether, in reinstating allowances, arrears should be paid or not. It is usual to accept the recommendation

Vide para 2 of the notes to fo. 295 Rev dt 5-10-1911 — (E)

Vide notes to fo. 1129 Rev dt 13-11-1906 — (B)

of the local officer. If the service has been kept up and if the failure to draw the allowance has been due to some real difficulty, such as the absence of a duly appointed committee, I submit that arrears may be paid. Where the failure to draw the allowance is merely due to procrastination and neglect, and there is no valid explanation, arrears may be refused. ....." and Sri G. Stokes agreed with the Rev. Seay that the arrears should be paid when the claim not being made was due not to neglect but owing to some disability'. It was this general principle that the Govt adopted in sanctioning the renewal of allowances and the payment of arrears — Vide G.O. 1128 Rev d 13.11 G.O. 2644 Rev d 21.9.1908, G.O. 2978 Rev d 2.11.1909, G.O. No 2958 Rev d 5.10.1911

With refce to A at p9 ante, it will be seen from the portion marked 'X' at p2 of the notes to G.O. 2450 Rev d 14.8.1913, that the principle the

12 4v

overned the sanction of payment of arrear
allowances was that it should
e shown that the services were
ing properly ~~conde~~ maintained
d that if should also be shown that
the claim not being made
had been due not to neglect
t owing to some disability.

38 Please see the notes to Go.

4/39 No 2450 Rev. dated 14-8-1913

It seems clear that the intention
of the Govt. in passing these orders
was that the first condition should
apply to the re-admission of the
Allowance and the second to
the payment of the arrears of the
Allowance thus re-admitted. To
explain more fully, the intention
was as follows:—

(1) The Board of Revenue was
to have power to sanction the
readmission of lapsed allowances
irrespective of the period for which the
allowances had been withdrawn,
provided that the failure to claim
the allowance arose from disability
and not from neglect.

(2) Re-admission would

mean revival of the allowance from the date (or year) of the Board's order but the Bd ~~of~~ also was to have power to sanction the payment of arrear claims if the institution was in good order or the service was properly rendered during the period for which the allowances were kept undrawn.

2. If the above is correct, the Board had no power to re-admit the allowance at all - But the Board has done so, and the petitioner claims that the temple was in good order and that service was regularly performed during the whole period - a claim which is not denied either by the Collector or the Bd. For orders, therefore, whether the payment of arrears may be sanctioned from 7-1330 instead of from 7-1345 as ordered by the Bd. The amount involved is Rs 24 x 15 or Rs 360/

The Bd may be ~~of~~ found according to para 5 at p 3 C/J

Vide page 8 above

If the proper criterion should be provided in the Bd of it should be intimated to Revenue Records

3. We may perhaps delegate to the Bd. also full powers in regard to re-admission of lapsed allowances - whether the failure to claim them was due to disability or neglect - so long as the institution is properly maintained or the service is satisfactorily rendered

14 L(8)

t the time of re-admission and is satisfied that there is no reason to apprehend default in this respect in the near future. The Board's power to sanction the payment of the arrears of re-admitted allowances may continue to be subject to the condition at p 13 above.

4. E+P H and Finance may see before circulation.

7-4-39
S

The Secy. may kindly redraft more clearly & offer notes on lines indicated above.

hm
7/4

E+P.H
Fin

Read in secn on 15.4.39

E+P. Hosp.

Rev Dn. 2781B/39-1
15-4-39

The file relates to the payment of arrears of transit allowances due to the Patiala Dunga Paramount in the S. Kamand dt. for the period from Fasli 1330 to Fasli 1345 i.e from first July 1920 to 18th July 1935 during which the temple was in good order. The claim was rejected by the Bd of Rev on the ground that the failure to claim the allce.

14854

Secy

A-5. 4 G 7

due to neglect. Rev. propose to admit the claim on the ground that the limitations in force during the period.

The view of Rev may be agreed to in this dept and the file passed on to Finance.

WL
18/4/39

The proposal to redraft B.S.O. is also accepted in this Dept.

DRK
19.4.39
S.

19.4.39

Yes

Finance (Exp)

No. 14854-I(F&PH)
20/4/39.

The file deals with the payment of arrears of tasdik amounting to Rs 360 for faslis 1330 to 1344 i.e., for fifteen years, at the rate of Rs 24 per annum, to the institution of Patala Durga Parameshwari Dev at Kulanji Village in Coondapur taluk.

In 1929, the above institution was struck off the registers as the

whereabouts of the then Mokhtesar were not known and as the trustee failed to claim the allowance for more than 6 years out of neglect and not from disability. The Board, however, sanctioned the readmission of the allowance only with effect from fasli 1345. The Board also held that failure to apply for payment during faslis 1330 to 1344 was due to neglect and not from disability and consequently no arrears for faslis 1330 to 1344 were allowed. p 22 ante

The point for consideration is whether, once an allowance has been received, it follows as a corollary, that the payment of arrears should be governed not by the criterion of neglect of duty but by the criterion of proper maintenance of the institution as required in condition (iii) of B.S.O 67-1(7) Revenue held the view that once an institution is readmitted, arrears should be allowed whether the failure to claim them was due to disability or neglect — so long as the institution is properly maintained. There appears to be no justification for allowing arrears, especially when the failu- p 9 ante Cf p 7 ante p 13 ante

to draw the allowance is due to procrastination or neglect. There is to be no valid explanation as to why the arrears were not claimed then and there. As, however, the petitioner contends that he is legally entitled to arrears, the Legal Dept may (in the first instance) be requested to examine the question whether the petitioner could enforce his claim to the arrears in the present case in a court of law.

f. M rep 22 CF

barred as p 5 CF

A

SAR 2/5/39

Dy S 2.5.39

G 5.5.39

Dy S 6/5

Rev.

A D S

Thro Accts 25.5.39

To A.S.

Please see E.& P. H. and Finance Departments' notes at pages 14-17 ante. E.& P.H. and Finance appear to be under the impression that this Department have proposed to admit the claim in respect of the payment of the arrears. But from the Secy's marginal remarks at page 13 ante, it will be seen that his orders are that the the Board should inform that the Board had no power to readmit the allowance at all in as much as the failure to claim arose the arrears/out of neglect and not from any disability, and that the criterion in respect of the readmission of the allowance should be pointed out to the Board and the Board be instructed to reexamine the case.

Ex no 14858 Ex/o 6/5/39

ASSISTANT SECRETARY TO GOVT. 2144 B 39 8-MAY 1939 REVENUE DEPARTMENT

52 MY 8/5

2. The Board having once readmitted the claim, the question will arise regard to in respect of the payment of arrears due to the temple. Legal may be consulted whether the Board can itself cancel its previous

orders re-admitting the claim; if not whether Govt can interfere and if not with reference to the orders already passed by the Board the petitioner contends that he is legally entitled to the arrears claimed by him, ~~the arrears will legally have to be paid and question~~. The file may be sent to Legal. ~~through E. & P. H. and Finance Departments.~~

vide para 7 at p 5 C.F.

9-5-38

9/5/38

As regards A in the first note above, it is doubtful whether questions like this framed should be decided from a strictly legal point of view. Legal may, however, be asked to advise as desired by Finance

2. As regards the point raised in para 2 of the office note above, the orders passed by the Bd. often are not statutory and no rights of third parties are involved. There can be no objection to the Govt. either interfering or asking the Bd to revise its orders

11-5-38

S

The proposal is that the correct interpretation of the BCO should be communicated to the Bd. Presumably

~~49~~ / 53

The Bd. will report on the case to Govt. with a recommendation & it will be open to Govt. to readmit the allowance or not & if readmitted the pay limits and orders as they think fit on the question of arrears. The provisions of the B.S.O. apply to the Board's powers only & do not fetter the discretion of the Govt.

12/5.

Legal.

Rev no. 2787/38-2
12-5-39

As. 3229
ASSISTANT SECRETARY
13 MAY 1939
GENERAL DEPARTMENT

Legal Department.

There is no legal objection to action being taken on the lines indicated in the note of the Revenue Secretary above. It is presumed that the Government will pass orders on the whole case. Pending the final orders of Government, a specific direction may issue for holding in abeyance the orders already passed by the Board.

K.M.
13/5/39

Legal no. 3229-1
15.5.39

SECRETARY TO GOVT.
15 MAY 1939

13/5 Rev

13/5-/39

Rev Dept

To A-S.

Please see Legal's note above. A draft memo to the Bd.

on the lines indicated by the Secy at pp 13 and 18-19 ante, is submitted for approval.

23-5-38

P.M.

25/5/38

Secretary's intention presumably was that the correct interpretation of the B.S.O. should be pointed out and the Board of Revenue left to pass orders or submit the case for orders as it thought fit. There is, however, no objection to accepting the recommendation of Legal.

2. The proposals in this file may now be summarized for the orders of H.M. (Revenue). A Beriz deduction of Rs. 24 is payable annually to the Institution of Patala Durga Parameshwari Dev at Kulanji village in Coondapur taluk. The allowance was left undrawn from fasli 1330 and was struck off the registers by the Collector in 1929 for failure of the trustee to claim the allowance for more than six years. The petitioner applied to the Hindu Religious Endowments Board for a sanad in September 1935 and was appointed as trustee by that Board in 1936. He then applied to the Collector for the readmission of the tasdik allowance and payment of the arrears. In October 1937, the Board sanctioned the readmission of the allowance in favour of the institution from fasli 1345, the year in which the petitioner applied to the H.R.E. Board for a sanad. The petitioner applied to the Collector and the Board for payment of the arrears from fasli 1330 to 1344 or at least for the twelve years prior to fasli 1345, but the request was rejected on the ground

pp21-22 C.F

that the failure to claim the allowance in time arose from neglect and not from any disability.

3. The petitioner now asks for the payment of the arrears from fasli 1330 or such portion of it as is not barred by limitation and bases the claim on the wording of B.S.O.No.67(1)(7) which specifies the powers delegated to the Board of Revenue in regard to this matter. The original papers relating to this delegation have been examined and these show that the intention of the Government in delegating these powers to the Board was as follows:--

(1) The Board of Revenue was to have power to sanction the readmission of lapsed allowances irrespective of the period for which the allowances had been undrawn, provided that the failure to claim the allowance arose from disability and not from neglect.

(2) Re-admission would mean revival of the allowance from the date (or year) of the Board's order but the Board of Revenue was to have power to sanction the payment of arrear claims if the institution was in good order or the service was properly rendered during the period for which the allowances were left undrawn.

It is proposed to point out the correct interpretation of the B.S.O. and ask the Board of Revenue to examine and report on the case afresh with a definite recommendation

(1) as to whether the allowance may be admitted and

(2) whether the arrear claims may be paid and if so, from what year.

4. A draft memo is accordingly submitted fo
pproval.

5. The file may be sent to Finance before
irculation.

Issued as Memo No 2781B/38-2d 2-6-38 pp23-2
from the Bd of Rev Refce I: 576/38-2d 26-6-38 pp25-2

To A.S.

Please see the (notes at pp 20-22 above) memo to the Bd. of Rev at pp 23-24 C.f. and the Bd's reply at pp 25-26 C.f. The Bd has recommended that the allowance may be readmitted as the institution has been reported to be in good state of repair and services have been regularly performed and that the payment of aboard may be sanctioned from fasli 1345, the year in which the trustee applied for the sanad. It is for orders whether the Bd's recommendation will be accepted. Sanad

~~Finance may see before~~ ~~circulation~~ The failure to draw the allowance 4.7.39 appears to be due to the temporary neglect of a particular manager of the institution. Now another person has been appointed by the H.R.E Board as the manager of the institution and it is now reported that the institution has been in good state of repairs and that services has been regularly performed all along. It is for consideration whether for the neglect of a particular manager the institution should lose the allowance for some period. Attention is in this Connection invited to the Secys note at pp 18-19 ante. The provisions of the B.S.O. viz 67-1(7) do not confer the discretion of the Government.

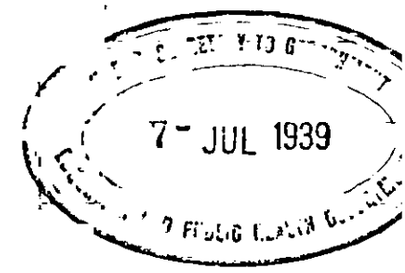
The file may be sent to E & P. H & Finance for remarks

DMK. 4/7/39 The allowance may be readmitted. As the services are reported to have been regularly performed all along.

24 58

arrears may be paid in full
with effect from fasli 1330 (
year from which they were kept
undrawn)

Rev
5.739
S



We may agree to readmit the
allowance but in need not go
further back than is recommended
by the Collr & the Board in
sanctioning the payment of arrears.

Ben
1/7.
E&P.H.
7/7

E+P.H dept: Rev no. 27880.
7-7-39
27150 pp 17

Attention is invited to the note
of this dept. on pp 14-15 ante. After
further consideration Rev: now
propose to admit the claim
for the Gardie allowance of B24
per annum from fasli 1345, the
year in which the trustee got
the Sanad from the H.E.H. and
not from fasli 1330 as originally
proposed.

27150 F

proposed. This depth may agree with the Rev. Secy.

2/ As regards the petitioner's contention that he is legally entitled to arrears, we may perhaps await the filing of suit when that question may be considered. Legal has not given their remarks on this question wherein the petitioner can enforce his claim in a Court of Law

3/ The file may be passed on to Finance.

JD 6/7/39

SRK 11-7-39

S. 11/7/39

Yes

Finance (Accts)

(Premium Finance Note on pp 15-17 ante)

The proposal to pay the arrears from F 1345 may be accepted.

In future the allowance for a fasli year may be paid after the

(x) Vide Finance note at A on p 17 ante

GDW 14/7

No. 27150 F/39-1 15-7-39

ASSISTANT SECRETARY TO GOVERNMENT FINANCE DEPT.

the close of the Fasli Year after verifying that services had been regularly performed during the whole of the preceding Fasli Year.

15/7/38
DWD
17/7

~~AOS~~

Fin no 26690 Vols 5

17/7/38

Rev.

Rev Dept

Rs 3278 ~~Rs~~

18.7.38

To A.S.

Please see Ext. H and Finance Depts' notes at pp. 4-26 above. ~~The~~ With refce to B at p25 ante, it is submitted that Legal Dept have stated that there is no legal objection ~~to~~ to action being taken on the lines indicated by the Secretary at pp 18-19 ante. The question whether the petitioner could enforce his claim to the arrears in a court of law need no examination. The filing of suit by the petitioner may ~~perhaps~~ be awaited as suggested by Ext. H. Dept. | vide M at p19 ante | vide K at p25 ante

2. A draft order is submitted for approval. The case may

DT CI

be circulated to H.M.(Rev)

19.7.39

With reference to Dy's orders at p 14 above the question of re-drafting B.S.O 67(1)(c) will be taken up separately after orders have been issued on this file.

A page of 1880 Vol II Vth LCs

19/7/39

21/7/39

S

I am afraid I overlooked the point that the trustee was claiming a legal title to the whole of the back arrears when I wrote on 7/7. The trustee threatens a suit. The sum at issue is trifling - Rs. 360- and if the trustee's claim has any substance it is as well to accept it. Would Legal kindly advise

p 5 - CF

22/7

Legal.

Legal Department

A suit to recover the arrears of tasdik allowance should be regarded as a suit to establish a

periodically recurring right within the meaning of Article 131 of the Limitation Act, which prescribes a period of 12 years for the suit - Please see the note of this Department at page 6 of G.O.No.349 Revenue dated 8th February 1939. The claim for the last 12 years is therefore enforceable in law and may be allowed. Presumably, the petitioner will be satisfied with this. See A at page 5, current file.

(A)

B2 OK 31/7

R 3536/38

K. M 29/7/39

by 29/7/39 S

Legal 5064-1 31.7.39

Rw

To A-S.

Please see the Bd's further report at p 29 c/f. and Legal's note at pp 27-28 above. Legal consider that the claim of the arrears of allowance for the last 12 years is enforceable in law and may be allowed. It is for orders whether this view will be accepted in this Dept. Subject to orders, ~~pass~~ the draft order has been amended suitably and a revised draft is put up. E&P. H. and Finance may see before the case is circulated to H-M(Rev).

original draft is at (2)

~~The Board of Rev. has recommended the allowance~~

31.8.39

OK 1/9/39

~~-29-~~ £3

The Board of Revenue passed its orders in October 1937 on an application from the memorialist, the date of which has not been reported. It will be equitable to allow arrears for the twelve years preceding the fasli in which the application was made. The draft below is for consideration and may be sent to Finance for acceptance before circulation.

2.8.39

Rev no. 2788/38-5
4-8-38

ASSISTANT SECRETARY TO GOVERNMENT
4 AUG 1939
FINANCE DEPT.

Fin (Accts) Dept.

Please see the last Finance note on pp 25-26 ante and the notes following.

In the circumstances stated in the Legal Dept's note on pp 27-28 ante, it is submitted that the draft order below may be accepted and the case may be returned to Revenue no

5/8/39

7.8.39

8/8

KD.

The draft is for approval. The note at pp 20-22 above, the Rep at pp 25-27 CD and the notes from page 27 above need alone be read.

9/8/39

S

Draft may issue H.H. Rau 11.8.39

22/8/39

Please see HH-(O.H)'s note at p/1 N.F in L.F. HH(O.H) may see the draft before issue

9/8/39

S

HH recom

27

33080

Secretary, P.H. MP 1-2 cf

This may be forwarded to the H.R.E.Board for disposal.

12/8/39

H.M.(P.H.)

E & P. Hall.

cf The petition relates to the disbursement of arrears of Tasildar's Allce for a temple in the S. Kanara dt.

It may be passed on to the Rev for necessary action [illegible] may see before this is sent on to Rev.

WL 14.8.39 HM necessary

SRM 15/8/39

jb 15839

15/8/39.

3824 B2

33080-1F 16/8

15/8/39

Rev

To A-S.

Please see H+H(P.H)'s minutes and E&P.H. Dept's note at plante. It is proposed to sanction arrears of allowances to the present petitioner. The case was circulated to H.H.(Rev) on 11-8-39 & CNo 2788C/39 - Its return may be awaited. It may be circulated to H+H.(P-H) also on its return to the section. -x- with refce to his minutes at plante

Subj on return of H.H.(Rev)

16-8-39

PK. 16/8/39

U

No 2788C/39

To Asst Secy.

Orders have been passed in the linked file below ~~The main file is linked below.~~ For orders. No action is called for on this file. This & the linked file may be sent to H.H.(P.H.) for perusal with reference to his minute at plante

16/8/39

Sec'y

16/8/39

67

Revenue Department.

C.F.17.

DRAFT FOR APPROVAL.

	Date.	Initials.
hen received for fair copying --		
When copied		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

C. No. 278 B/39 (i) From the Sri B. Subba Rao ; No. nil , dated 11-1- 1939 pp 1-5 CF

(ii) Endt. to the Bd. of Rev., 278 B/39-1 24-1- 39 pp 19 CF

" (iii) From the do. " I.576/39-1, 6-3- 1939 pp 21-22 CF

(iv) O.M. to the do. 278 B/39-2 2-6-1939 pp 23-24 CF

" (v) From the do. " I.576/39-2, 24-6- 1939 pp 25-26 CF

(vi)

(vii)

Order / Resolution Ms. / Remix No. _____, dated _____ 19____.

pp 25-26 CF.

Fasli 1345

In the circumstances ~~stated~~ reported in the Reference No I 576/39-2 of 24-6-1939 by the Board of Revenue, ~~sanction is accorded for~~ the re-admission of ~~the~~ lapsed allowance of Rs.24 (Rupees twenty four only) per annum payable to the institution of Patala Durga Parameshwari Dev at Kulanji village in Coondapur taluk, South Kanara district ~~with effect from fasli 1345~~ is ratified. The payment should be made by beriz deduction to the trustee of the institution and should be continued only so long as the services are rendered

in the temple properly and regularly. The allowance for each fasli ~~year~~ year should be paid only after the close of the fasli year, after verifying that services had been regularly performed during that year.

2. The petitioner is informed ~~that the Government are not prepared to comply with his request. His petition is rejected~~. Vide the arrears of allowances relating to the period preceding fasli 1345 cannot be paid.

9.7.38 P.K. 9/7/38

19/7/38

21.7.38

2. Payment of the arrears of allowances from fasli 1337 is also sanctioned.

27.7.38

To

The Board of Revenue.
The Collector of South Kanara.
The President, H.R.E. Board, through the E. & P. H. Deptt.
The Finance Department.
The E. & P. H. Deptt.
The Accountant-General, through Finance.
Sri B. Subba Rao (~~para 2 only~~), S/o B. Mahabala Varaya residing in Basrur village, Trustee, Patala Durga Parameswari Dev at Kulanji village, Coondapur Taluk, South Kanara District.

C-1-B
despatched with
acknowledgt.
Copy.

69
32
308

Revenue Department.

C.F.17.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	29/1/38	
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

From (i) Sri B. Subba Rao, No. Nil, dated 11-1-39 19
(ii) Endt. to Bd. of Rev., No. 278 B/39-1, d/ 24-1-39.
" " (iii) From Bd. of Rev., I. 576/39-1, d/ 6-3-39.
(iv) O.M. to Bd. of Rev., No. 278 B/39-2, d/ 2-6-39.
READ ALSO— (v) From Bd. of Rev., No. I. 576/39-2, d/ 24-6-39.
No. 2781 From the , No. , dated 19
(vi) From Bd. of Rev., No. I. 576/39-3, d/ 24-7-39.
" " " " " 19.
" " " " " 19.

Mp 1-5 CF
Mp 21-22 CF
Mp 23-24 CF
Mp 25-26 CF
Mp 29 CF

Order Ms. No. 2220, dated 30-8-1939.

Mp 25-28 CF

In the circumstances reported by the Board of Revenue in its References No. I. 576/39-2, dated 24-6-1939 and I. 576/39-3, dated 24-7-1939, the re-admission by the Board of Revenue of the lapsed allowance of Rs.24/- (Rupees twenty four only) per annum payable to the institution of Patala Durga Parameswari Dev at Kulanji village in Coondapur taluk, South Kanara district is ratified. Arrears of the allowance should be paid for a period of twelve fasli years preceding the fasli year in which the memorialist first

ıade his application for re-admission.

'he payment should be made by beriz deduc-

ion to the trustee of the institution

nd should be continued only so long as

he services are rendered ~~in the temple~~

roperly and regularly. The allowance

or each fasli year should be paid only

fter the close of the fasli year, after

erifying that services had been regu-

arly performed during that year.

2. The petitioner is referred to

he Board of Revenue for orders on his

x

etition, dated 11-1-1939.

x Mpl-5-C.F.

To

The Board of Revenue.
The E. & P. H. Deptt.
The Finance Deptt.
The A.G., through Fin. vigilant
Sri B. Subba Rao (para 4 only)
s/o B. Mahabeleswara Ayya,
residing in Basrur village,
Trustee, Patala Durga
Parameshwari Dev at Kulanji
village, Coondapur taluk,
S. Kanara Dt.

8870
21/8